

Message Text

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FM AMEMBASSY MOSCOW

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S E C R E T MOSCOW 11987

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SUBJECT: TECHNICAL PENETRATION: PROTEST

REF: (A) MOSCOW 11859; B. STATE 135977; C. STATE 135989

1. DEPUTY FOREIGN MINISTER FIRYUBIN (WHO HAS RESPONSIBILITY FOR UPDK) CALLED IN CHARGE AT NOON TODAY TO PRESENT FOLLOWING ORAL STATEMENT, COPY OF WHICH WAS PROVIDED.

BEGIN TEXT:

THE MINISTRY OF FOREIGN AFFAIRS OF THE USSR HAS LEARNED THAT ON
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MAY STAFF MEMBERS OF THE U.S. EMBASSY
DESTROYED THE WALL OF A SMOKE VENTILATION PIPE OF THE HEATING
SYSTEM OF BUILDING NUMBER 4, B. DEVYATINSKIY PEREULOK,
AND HARMED THE SYSTEM OF PROTECTION AND FIRE SAFETY OF THAT
BUILDING.

THE EMBASSY KNOWS VERY WELL THAT THE VENTILATION
PIPE MENTIONED ABOVE IS NOT CONNECTED WITH HEATING
SYSTEM OF THE EMBASSY BUILDING AND IS NOT RELATED
TO STRUCTURES LEASED BY THE EMBASSY.

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THEREFORE, ANY CONSTRUCTION WORK, ESPECIALLY THAT
RELATED TO THE DESTRUCTION OF STRUCTURES HAVING NO RELATION-
SHIP TO THOSE UNDER LEASE, CARRIED OUT WITHOUT THE AGREE-
MENT OF LOCAL AUTHORITIES, COMPRISES A GROSS VIOLATION
OF THE LEASE AGREEMENT.

ALSO IMPERMISSABLE IS THE FACT THAT, DESPITE THE

DEMANDS OF REPRESENTATIVES OF UPDK AND THE FIRE PROTECTION SERVICE, PERSONNEL OF THE EMBASSY DID NOT CEASE THE IL-LEGAL WORK.

THE USSR MFA DECISIVELY PROTESTS TO THE US EMBASSY THE ARBITRARY ACT THAT HAS BEEN CARRIED OUT AND DEMANDS THE IMMEDIATE CESSATION OF THE CONSTRUCTION WORK INDICATED ABOVE AS WELL AS THE FULL RESTORATION OF THE DESTROYED PARTS OF THE VENTILATION PIPE AND HEATING SYSTEM OF BUILDING NUMBER 4 ON B. DEVYATINSKIY PEREULOK.

END TEXT OF SOVIET STATEMENT.

2. AFTER READING THE ORAL STATEMENT, FIRYUBIN PULLED OUT A COPY OF THE EMBASSY'S LEASE AND QUOTED PARAGRAPH SPECIFYING THAT RECONSTRUCTION OF LEASED STRUCTURES CAN BE UNDERTAKEN ONLY WITH THE PRIOR WRITTEN AGREEMENT OF THE SOVIET SIDE. FIRYUBIN CLAIMED THIS CASE WAS THE FIRST SUCH INSTANCE ENCOUNTERED BY MFA, AND REITERATED THE MFA'S "DECISIVE PROTEST." FIRYUBIN ALSO PRODUCED A HAND-DRAWN SKETCH OF THE EMBASSY COMPOUND, WHICH SHOWED THE CHIMNEY IN QUESTION TO BE CONNECTED WITH THE BUILDING ADJACENT TO THE EMBASSY'S SOUTH WING.

3. CHARGE SAID THAT HE WOULD OF COURSE TRANSMIT THE MINISTRY'S STATEMENT TO THE DEPARTMENT. HE SAID THAT SINCE HE HAD
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NO INSTRUCTIONS, HE WOULD NOT UNDERTAKE A FORMAL REPLY AT THIS TIME. ON A PERSONAL BASIS, HOWEVER, HE COULD SAY THAT HE WAS FAMILIAR WITH THE FACTS OF THE MATTER AND COULD ASSURE FIRYUBIN THAT THE CHIMNEY IS INDEED LOCATED ON U.S. PROPERTY, AS SHOWN BY PLANS SUPPLIED BY UPDK WHEN THE BUILDING WAS LEASED. HE COULD PERSONALLY ASSURE FIRYUBIN THAT THIS MATTER HAS NOTHING TO DO WITH FIRE SAFETY, AND SUGGESTED THAT FIRYUBIN MIGHT WISH TO CONSULT SOVIET ORGANS OTHER THAN THOSE DEALING WITH FIRE PROTECTION TO DETERMINE THE TRUE FACTS OF THE SITUATION. CHARGE THEN CONCLUDED MEETING BY REITERATING THAT ALL WORK UNDERTAKEN BY EMBASSY PERSONNEL
HAS BEEN CONFINED STRICTLY TO EMBASSY TERRITORY.

4. COMMENT: FIRYUBIN'S DEMARCHE WILL RANK AS A CLASSIC IN THE ANNALS OF SOVIET CHUTZPAH. VIRTUALLY EVERY ASSERTION IN IT (ASIDE FROM THE LEASE RESTRICTIONS ON STRUCTURAL MODIFICATION) IS CONTRARY TO THE FACTS, WHICH WE ARE IN THE HAPPY POSITION OF BEING ABLE TO PROVE. THE CHIMNEY IS PART OF THE SOUTH WING OF OUR CHANCERY COMPLEX, AS IS CLEARLY SHOWN ON SOVIET DRAWINGS OF THE COMPLEX SUPPLIED TO US WHEN WE RENTED THE BUILDING. FURTHERMORE,

IT HAS NO REPEAT NO PHYSICAL CONNECTION WITH THE BUILDING AT 4 DEVYATINSKY PEREULOK (EXCEPT POSSIBLY VIA THE SURREPTITIOUS TUNNEL). IT IS, OF COURSE, NOT CONNECTED TO THE HEATING SYSTEM OF EITHER BUILDING.

5. UNLESS DEPARTMENT PREFERS TO HANDLE THE MATTER ENTIRELY WITH GROMYKO WHILE HE IS IN U.S., WE RECOMMEND THAT CHARGE CALL ON FIRYUBIN TOMORROW (MAY 29) WITH DEMARCHE ALONG FOLLOWING LINES:

A. REJECT SOVIET PROTEST ON GROUNDS THAT CHIMNEY IS PART OF OUR BUILDING AND NO STRUCTURAL MODIFICATION HAS BEEN UNDERTAKEN. A COPY OF SOVIET PLANS SHOWING CHIMNEY AS PART OF OUR BUILDING WOULD BE SUPPLIED.

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B. MAKE FORMAL PROTEST ALONG LINES SUGGESTED IN MOSCOW 11859, PARA 1, ACCOMPANIED WITH PHOTOGRAPHS OF INSTALLATION IN SMOKESTACK AND OF THE PORTION OF TUNNEL UNDER OUR PROPERTY, AS WELL AS COPY OF SITE PLAN INDICATING LOCATION OF TUNNEL ON OUR PROPERTY. MATLOCK

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